



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of : )  
Gregg S. Schmidtke et al. )  
Serial No.: 09/813,205 ) Group Art Unit: 2862  
Filed: March 20, 2001 ) Examiner: Gerard R. Strecker  
For: METHOD AND APPARATUS ) Atty Dkt. 10013284-1  
FOR SETTING FOCUS IN AN )  
IMAGING DEVICE )

**LETTER RE EXTENSION OF TIME FEE**

To: Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is being filed concurrently with a notice of appeal in the above-captioned case. Although a final Office action was mailed November 28, 2003, applicants believe that only a one-month extension of time is required to file the notice of appeal, for the reasons set forth below.

The final Office action mailed November 28, 2003, included the following statement.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

See, also, MPEP 706.07; MPEP 714.13. As noted above, a final Office action was mailed on November 28, 2003. Applicants filed a first response to the final Office action on January 16, 2004 (within two months of the mailing date of the final Office action). An advisory action was not mailed until April 15, 2004 (after the end of the three-month shortened statutory period).

Accordingly, the extension fee owed by applicants should be calculated from the mailing date of the advisory action (i.e., April 15, 2004). Applicant, thus, believes that only a one-month extension of time is required. The notice of appeal filed herewith specifies such a one-month extension and instructs that the corresponding fee (along with the notice of appeal fee) be charged to deposit account 08-2025. If, however, it should be determined that more than a one-month extension is required, then it is respectfully requested that this letter be considered to be a petition for the needed extension and that the required additional fee be charged to deposit account 08-2025 (as authorized on the notice of appeal filed herewith).

Respectfully submitted,  
KLAAS, LAW, O'MEARA & MALKIN, P.C.

By 

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